

REMARKS

Claims 2-10, 12-18, 20 and 21 remain in the application. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

Withdrawal of the finality of the Office action is respectfully requested. The examiner now rejects claim 10 under the second paragraph of 35 USC 112 on the grounds that it is unclear if it is a method claim or just a run-on preamble. This is a new ground of rejection not necessitated by any amendment made to the claim. When the examiner considered the claim the first time in the Office action of June 9, 2005, the examiner indicated the claim was objected to as being dependent on a rejected parent claim but would otherwise be allowable. In the Office action of July 24, 2006 the examiner expressed a problem with the claim language regarding the word “substantially” and the “sure data sequence”, but rejected claim 10 for anticipation (and therefore necessarily understood the scope of the claim). In the amendment filed December 24, 2006 applicant did nothing more to claim 10 than correct the problems pointed out by the examiner, and now for the first time the examiner has rejected the claim on a new basis, that is not at all affected by the amendments made to the claim..

For these reasons, it is respectfully submitted that the finality of the Office action was in error, and withdrawal of that finality is requested.

Turning now to the present amendment, the editorial correction requested to claim 2 has been made, as well as correcting the dependency of claim 18.

The Section 112 rejection of claim 10 is respectfully traversed. The method may not be described the way the examiner would prefer, and if the examiner has some specific suggestions for editorial correction of the claim the undersigned would be glad to consider them. However, the claim is directed to a method, with the preamble describing the method as being a data flow alignment method wherein phase is measured and a delay time is controlled in accordance with the phase measurement, and the remainder of the claim further specifies that the phase is measured in a particular time interval and the TDM frames are particular types of frames. There is nothing at all unclear about the scope or meaning of the claim, and certainly nothing that rises to the level where the claim fails to particularly point out the invention to one of ordinary skill in the art. In any event, the claim has been amended in an attempt to obtain a form more acceptable to the examiner.

The prior art rejections are respectfully traversed.

In the Response to Arguments section beginning at page 2, the examiner repeatedly states that there is no alignment word recited in claim 2. This is true, but there is (as acknowledged by the examiner) a predefined data sequence recited in the claim. The claim recites that the phase is measured during an interval that corresponds to transit time of the predefined data sequence that is contained in the data flow, and the claim further describes the detecting of the flow of the predefined data sequence containing a logic transition. Applicant has explained what the significance of this is in the context of an alignment word, but the examiner cannot dismiss those arguments simply because the term "alignment word" is not used in the claim. The predefined data sequence is recited, as well as the transition in it.

A unique feature of claims 2, 10 and 12 is that a predefined data sequence in the data flow contains a particular logic transition which can be used for phase alignment purposes. The phase alignment circuit 10 is to use this transition, so it is controlled to watch for this transition during a time period substantially corresponding to the time during which the predefined data sequence is passing through.

The examiner has referred to a reference signal SR in Fourcade, but has not identified where in Fourcade there is a predefined data sequence that will be included in the data flow, and where there is the detection of a particular logic transition within this predefined data sequence. Accordingly, claims 2, 10, 12 and 18 distinguish over the art for this reason.

In addition, claim 20 specifies that a reference clock signal has a frequency which is equal to the nominal frequency of the data flow. In Fourcade, synchronization is obtained by using a clock which is plesiochronous with data (i.e., the frequency of the data is different from the frequency of the reference clock within a defined value), while claim 20 requires that frequency of the data is equal to the frequency of the reference clock. Thus, claims 20 and its dependent claims distinguish over Fourcade for this reason.

Further, claim 20 requires that the synchronization is achieved by delaying the data ("a delay line in said data flow"), while in Fourcade the synchronization is achieved by delaying the clock, although in Fourcade there is a delay also of the data but this is not used for achieving synchronization in the manner recited in claim 20.

A third difference is that in claim 20 the data is synchronous ("time division frames"), i.e., the frequency of the data is always the same, while in Fourcade the data is in packets, i.e., the frequency can change between different packets.

For all of these reasons, claim 20 and its dependent claims distinguish over the art.

Claim 21 is similar to claim 20 in reciting that frequency of the data is equal to the frequency of the reference clock, that the synchronization is achieved by delaying the data, and that the data is synchronous, so that claim 21 and its dependent claims distinguish over the art.

These arguments are essentially those that were presented in the response filed December 24, 2006. In the most recent Office action, the examiner has not responded to any of these arguments other than to dismiss everything because applicant refers to the alignment word as a "predefined data sequence" in the claims. Since the particular terminology used has little to do with most of the distinguishing arguments made, the result is that applicant has not received a full and complete response as is required by the MPEP. Accordingly, if the rejections are to be maintained, a response to the distinguishing arguments is requested.

Reconsideration and allowance of this application are respectfully requested

Respectfully submitted,

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23373

CUSTOMER NUMBER

Date: September 27, 2007

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